

# News from Ed Markey

United States Congress

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## **MARKEY ASKS REGULATORS TO REVIEW PRIVACY SAFEGUARDS FOR PRESCRIPTION INFORMATION**

**WASHINGTON, DC** — On Friday, October 2, U.S. Rep. Edward J. Markey wrote to federal regulators at the Food and Drug Administration and the Federal Trade Commission to ask that they review the mergers between pharmaceutical manufacturers and prescription benefit management companies to see if patient privacy issues are in jeopardy. In addition, Rep. Markey asked the General Accounting Office to revisit this issue as GAO had done a study on the topic in 1995.

Rep. Markey cited an article in the September 27 edition of *The Washington Post* which focused on the experience of a woman whose private and personal prescription information was accessed by a pharmacy benefit company, which in turn, used the information to inform her doctor that she would be enrolled into a "depression program," have her prescriptions for anti-depression medication monitored, and be sent "educational" material on depression. The problem, as it turns out, was that the woman was not suffering from any depression-related illness. Her doctor prescribed the medication to help her sleep. The woman had no way of knowing that by using her prescription-drug card, the protective armor of privacy among patient, doctor, and pharmacist had been pierced by the high-tech torpedo of her employer's pharmacy benefit manager (PBM), and potentially, her employer.

Rep. Markey said, "This story serves to underscore my concern that laws protecting the privacy of personal information are woefully inadequate -- be it consumer credit, personal financial, or sensitive medical information, most Americans are unprotected and unaware."

In his letters, Rep. Markey asked the regulators to investigate how much private prescription information is being collected about people, how it being used, and whether or not people are aware that such data exists in user-friendly form for employers, drug companies and PBMs.

"There is a Dickensian quality to the technological revolution -- it is the best of times, and it is the worst of times. I am committed to ensuring that a privacy bill of rights is created for all Americans -- a simple plan that is best represented by three words -- KNOWLEDGE, NOTICE, and NO. I believe that Americans have a right to knowledge -- they should know that information is being collected about them. They must be given notice regarding the potential uses of such information. Finally, and most importantly, people must be given the right to say no to the myriad information brokers who stand ready to exploit unsuspecting consumers."

Copies of Rep. Markey's letters to FDA, FTC, and GAO are available upon request.